

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X
:
UNITED STATES OF AMERICA :
:
- v. - :
:
DAVID WALDMAN, :
:
:
Defendant. :
:
- - - - -X

**SUPERSEDING
INDICTMENT**

S1 18 Cr. 424 (KBF)

COUNT ONE
(Cyberstalking)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/28/18

The Grand Jury charges:

Relevant Individuals and Entities

At all times material to this Indictment:

1. DAVID WALDMAN, the defendant, resided in the Southern District of New York. At various times, WALDMAN, who has a law degree, worked as a compliance manager in New York.

2. Jane Doe-1 resided in the Southern District of New York, and she dated DAVID WALDMAN, the defendant, for approximately four months, from November 2013 until April 2014.

3. Anonymous Emailing Service A, based outside of the United States, provided free "spoofed"/anonymized e-mail messaging services to users all over the world. By using its email messaging service, a user could select a different "sending" email address and then send email messages that

appeared to originate from that "spoofed" email address. This in turn allowed the user to disguise his true identity when communicating with others. Users could send anonymous e-mail messages over the internet to and from any internet-connected device, such as a laptop computer, iPod, or cell phone.

Anonymous Emailing Service A did not have data centers in New York and any electronic communications its users sent traveled outside of New York.

4. Anonymous Emailing Service B, based outside the United States, provided free "spoofed"/anonymized email messaging services to users all over the world. By using its email messaging service, a user could select a different email address and then send email messages that appeared to originate from that "spoofed" email account. This in turn allowed the user to disguise his true identity when communicating with others. Users could send anonymous email messages over the internet to and from any internet-connected device, such as a laptop computer, iPod, or cell phone. Anonymous Emailing Service B did not have data centers in New York and any electronic communications its users sent traveled outside of New York.

5. Anonymous Emailing Service C, based outside the United States, provided free "spoofed"/anonymized email messaging services to users all over the world. By using its email messaging service, a user could select a different email address

and then send email messages that appeared to originate from that "spoofed" email account. This in turn allowed the user to disguise his true identity when communicating with others. Users could send anonymous email messages over the internet to and from any internet-connected device, such as a laptop computer, iPod, or cell phone. Anonymous Emailing Service C did not have data centers in New York and any electronic communications its users sent traveled outside of New York.

6. Google, Inc., based in Mountain View, California, provided email, file storage, "blogging," and other electronic communications and storage services to users all over the world. Google operated "Blogspot," a "blogging" service, which it offered to users all over the world. Users created blogs and posted photographs, text, videos, and other multi-media content to their blogs. Google did not have data centers in New York, and any electronic communications its users sent or posted on their blogs traveled outside of New York.

Summary of the Offenses

7. As set forth below, shortly after DAVID WALDMAN, the defendant, and Jane Doe-1's relationship ended, from in or about April 2014 up to and including the date of his arrest, on or about June 1, 2018, WALDMAN engaged in an extensive cyberstalking and threats campaign targeting Jane Doe-1. During WALDMAN's campaign, he sent hundreds of email and text message

communications to Jane Doe-1 and created "blogspot" pages and posts of which Jane Doe-1 was the subject. He also sent communications to Jane Doe-1's employer and one or more of her parents. Through these various communications, WALDMAN, among other things, claimed that Jane Doe-1 had and/or had given him sexually transmitted diseases, had fabricated claims of being a victim of child sexual abuse, was a habitual drug user, and had engaged in other illegal conduct. WALDMAN also sent interstate communications that expressly or implicitly threatened to rape, kidnap, torture, and kill Jane Doe-1.

WALDMAN Sends Harassing and Threatening Communications to Jane Doe-1

8. From in or about April 2014, up to and including June 1, 2018, DAVID WALDMAN, the defendant, as himself, anonymously or posing as others, used various electronic communications services to send harassing and threatening communications to Jane Doe-1.

9. On or about April 8, 2014, using the account "drwesq@gmail.com," DAVID WALDMAN, the defendant, sent Jane Doe-1 an email with the subject line "fuck faced fucker," stating, in part:

i am not too proud to show the fuck up at your apartment unannounced. . . . i am crazy enough to do it, too. you should know that. I am not playing around anymore. . . . not sure how much more of this i can take before i go haywire and bananas and show up at your apartment in the middle of the night

or at your new job if you have one. trust me - i will do it. ill [sic] give you another week or so of this shit. then my limit will be reached. i am stubborn, i am determined and i am committed. we can do it the easy way, or the hard way but the end result will be the same...you will be back in my life. dont [sic] know in what capacity, but you will be back in it. women like you come around once, twice. maybe three times in a lifetime. that means you are rare. and valuable. and something to be kept and cherished. and cherished can mean held hostage and bound and gagged inside my apartment. you will be well fed and cared for, i assure you, but do you really think you will have fun? [...] begin preparing for the inevitability now [first name of Jane Doe 1] or take the easy route...just get in touch with me. like i said, i have about another week left in me. after that, its [sic] bound and gagged time. word. You really are a stubborn cuntish cunt. . . .

10. On or about April 8, 2014, using the same account, "drwesq@gmail.com," DAVID WALDMAN, the defendant, sent Jane Doe-1 an email stating, in part: "i am contacting [Jane Doe 1's father's name] tomorrow. I have no choice. [...] I will tell [Jane Doe-1's father's name] that I am forced to get an std test because his daughter apparently cant [sic] keep her pants on. Ill [sic] forward him your lingerie too. Im [sic] nuts enough to do it. . . . "

11. On or about April 9, 2014, DAVID WALDMAN, the defendant, sent Jane Doe-1 a series of text and email messages threatening to come to her apartment for "proper closure," to sexually assault her, and to commit suicide. For example, in a series of text messages, WALDMAN stated, "Im [sic] coming over

tonite [sic] for a hug and some free sodas. Don't bother saying you don't love me...you do. We are in love. And i am NO quitter. [...] Did u make other plans for ur birthday yet? If not, i had planned something and i want you for it. Do i get it? Or u wanna still play cunt cunt cunt? . . . [I] am here. Are you really not home? Did you really make me come here for nothing? Why are you doing this to me?. . . Why are you trying to make me want to die?. . . Do you want me dead like [first name of Jane Doe 1's ex-boyfriend]? . . . I am not doing well. Th8nking [sic] if [sic] taking 100 xanax. . . ."

12. That same evening, DAVID WALDMAN, the defendant, sent Jane Doe-1 a text stating, in part: "I'm coming over tonite after work for proper closure. . . . I must have you this weekend. I need to fuck and love you one last time. I promise you will enjoy it." The text message was signed, "DW."

13. On or about April 21, 2014, using the account drwaldmanesq@gmail.com, DAVID WALDMAN, the defendant, sent Jane Doe-1 an email message stating, "Cops are as worthless as you. Doing nada. Trust me . . . I know where you live and I got nothing to lose. I am so tired of this. Give it up you worthless disgusting skank. You will not survive [sic] this. I swear it."

14. Despite a state court temporary order of protection that was entered against DAVID WALDMAN, the defendant, on July

15, 2014, on or about July 23, 2014, WALDMAN, this time using the name "Robert Roma" and the email account "robertroma68@gmail.com," sent Jane Doe-1 a lengthy, rambling email, in which he referred to her as a "mental patient" and "sociopath," threatened to sue her, complained about her other romantic relationships, asked her who else she "fucked," claimed that he missed her "sexually," and complained that "the law should never be invited into personal shit. never. nothing good would ever come of it. you must know that." He stated, ". . . I FUCKING LOVE KLONNIES . . . that was my third trip to jail . . . I am becoming a badass thug . . . soon, ill [sic] have street rep, yo! . . . "

15. On or about February 26, 2017, using an email account with Anonymous Emailing Service A, DAVID WALDMAN, the defendant, sent Jane Doe-1 an email with the subject line "dirty jew." The message read, in part: "[I] think chicks that play the victim card should die. [I] think women who accuse men of abuse should be tortured. [Y]ou should have a butcher knife fuck your pussy. . . . [I] hate jews. [Y]ou and your jew family should die. [D]irty jews."

16. On or about October 7, 2017, using an email account with Anonymous Emailing Service B, DAVID WALDMAN, the defendant, sent Jane Doe-1 an e-mail that stated, in part, "[I] think the best thing when it comes to you is that you be killed."

17. On or about October 8, 2017, using an email account with Anonymous E-Mail Provider B, DAVID WALDMAN, the defendant, sent Jane Doe-1 an email with the subject line "ive [sic] watched you run." He stated, in part, "while you will be dead it is not for the way you run even though i hate it. we are neighbors almost. the internet is large but the world is small."

18. On or about February 4, 2018, using the name "Jim Bottis," and an email account with Anonymous Emailing Service C, DAVID WALDMAN, the defendant, sent Jane Doe-1 an email with the subject line "blog bitch." The email stated, in part, "I have learned that you are a nasty cunt and a whore. I normally like whores. But not you. You are ugly. Chicks like you should get beaten."

19. On or about May 7, 2018, using the name "Steve Wexler," and an email account with Anonymous E-Mail Provider C, DAVID WALDMAN, the defendant, sent Jane Doe-1 an email stating, among other things, "You should be put down. Put down like a dog."

**Creating Harassing and Threatening Blogs and Blogposts
Directed at Jane Doe-1**

20. From in or about 2014, up to and including 2017, WALDMAN created a series of "blogspot" pages and posts, with

myriad lengthy posts devoted to harassing and expressly and implicitly threatening to injure and kill Jane Doe-1.

21. On or about June 6, 2014, on a blog entitled "nycitysux.blogspot.com," using the pseudonym "Anton Phillipe Wolfgang Van Sertima," WALDMAN created a post in which he claimed that Jane Doe-1 threatened his life and accused him of being a child molester and then stated that he would purchase a firearm. WALDMAN stated, "To ensure my Constitutional Rights are never again violated, and to protect my life against [Jane Doe 1], born [month and date of birth] . . . I will soon be applying to the State of New York for a handgun permit. N.B. New York does not want to ignore yet another of Anton's Constitutional Rights. . . ."

22. On or about July 20, 2014, on a blogspot called "eurotrashroyalty.blogspot.com," WALDMAN stated, among other things, that Jane 'Doe-1 was a "fucking cunt. if you were to die tonite i would actually smile. . . i hope you sweat yourself to death tonite." He later stated, "i dig on vendettas and dig on revenge. . . . i will ruin you. i will fuck up your shit to the point that your life will be unrecognizable. you must have seen some inklings of what i might be capable of during our three months together. no kyke civil attorneys, no car load of your pals, or anything else you have in your arsenal will cause me to even blink. . . . [W]hen i am wronged, i stop giving a

shit about the consequences. i stop feeling fear or trepidation. i only feel what I need . . . revenge. to see suffering." WALDMAN added, "i dont [sic] like wanting you dead. but i do and it is deserved." WALDMAN continued, "in addition to the tears i made you cry, in addition to the breakdowns i caused, . . . i have only begun. you evil, maniacal, sociopathic evil cunt. . . . i am going to change your life for the worse. and I am going to enjoy it. and fuck the collateral damage to your family . . . i swear it. . . . I may end up going down with you, but make no mistake, your [sic] a doomed cunt." He added, "i only hope you don't die of cervical cancer before i can fuck up your shit." He continued, "i will impact your life greatly and negatively. mark my words . . . i am obsessed with fucking up your shit. and i always achieve the things i put my mind to."

23. On or about the same date and on that same blog, in a different post, WALDMAN repeated many of the same messages above, and added "this fucking cunt is going to pay . . . for having broke [sic] your heart and made you cry and made you feel cheap as well as the letter i wrote to your dad wherein i essentially told him his daughter is a fucked up whore. but that was only the beginning [S]leep tight . . . but trust me, things are going to get worse for you."

24. In 2015-2017 WALDMAN continued to create harassing and threatening blogs and blog posts about Jane Doe-1 in 2015, 2016, and 2017. The blogspot titles including: "[first and last name of the Jane Doe 1]recruiterslut.blogspot.com"; "robertromababylonandon.blogspot.com"; "thisis[first name and last name of the Jane Doe-1's boyfriend].blogspot.com"; and "executiverecruitingskank.blogspot.com." WALDMAN's blogs contained, among other things, photographs of the Jane Doe-1, her first name, last name, place of employment, and other personal identifiers. The posts included long, rambling tirades about Jane Doe-1, echoing many of the same themes in the email messages described above.

25. For example, on or about November 9, 2017, WALDMAN, on his "robertroma" blog, created a post entitled "[Jane Doe-1's name] executive talent acquisition lead for [bank where the Victim was employed] is as criminal as many of the [bank's] bankers," and another post entitled "I slept with executive recruiter [Jane Doe-1's name] for four months. This is my story." The blog posts contained many of the same themes in WALDMAN's email messages, with a few new claims, e.g., that Jane Doe-1 had been diagnosed with bipolar and narcissistic personality disorder, failed out of law school, and that she is a lesbian. WALDMAN's blog posts also included new threatening comments, e.g., "i certainly am not capable of wishing she were

dead. that is beyond my abilities. or so I had thought. i now know differently."

26. On or about November 9, 2017, on the "[first and last name of Jane Doe-1] recruiterslut" blog, WALDMAN created a post that claimed that Jane Doe-1 made false accusations against a family member of child sexual abuse and falsely accused an ex-boyfriend of domestic violence.

27. On or about November 7, 2017, on the "executiverecruitingskank" blog, WALDMAN created a post entitled "[Jane Doe-1's name] executive recruiting slut" and a post from "Anton Phillipe Wolfgang Van Sertima V," which matches the name used in the harassing 2014 blog posts described above.

28. On or about November 19, 2017, the "thisis[first name and last name of the Jane Doe-1's then boyfriend]" blog had posts entitled "[Jane Doe-1] gets away with being a slut," with similar claims that Jane Doe-1 mistreated the blog poster, with copies of emails between Jane Doe-1 and WALDMAN, and with photographs of Jane Doe-1.

29. Throughout 2017, on the "robertromababylonandon.blogspot.com" blog, WALDMAN created multiple other posts that targeted Jane Doe-1.

**Sending Harassing Communications About Jane Doe-1 to Her
Employer and Parents**

30. On or about April 2014, WALDMAN mailed a letter to Jane Doe-1's parents.

31. On or about September 8, 2014, using the email account drwesq@gmail.com, WALDMAN sent an email about Jane Doe-1 to the human resources department of Jane Doe-1's employer. It read, in part, "I am writing to let you know that a relatively recent hire of yours . . . will in short order be sued for libel against me. . . . you may be interested in knowing that she is a habitual drug user. I have personally seen her use marijuana on several occasions, and cocaine on two occasions, both times with a former colleague of hers from [bank]. Frankly, that is but one of many reasons I ended the relationship. I certainly do not expect you to take me at my word, but were she drug tested, I am quite certain she would come up positive. . . . [She] posted very hurtful, damaging lies about me on a blog and will be sued for defamation, as well as theft, illegal trespass, and a litany of other charges. In addition, I did indeed witness her using narcotics on several occasions while we dated for a brief period several months ago."

32. On or about September 8, 2014, using the same email account, drwesq@gmail.com, WALDMAN sent another email about Jane Doe-1 to a specific representative of the human resources

department of Jane Doe-1 employer, in which he stated, among other things, that Jane Doe-1 is a "habitual drug user of several narcotics . . . [and] regular user of marijuana," and should be drug tested. In an apparent effort to establish his credibility, WALDMAN represented that he was an attorney and could be disbarred for making dishonest statements. He stated that his purpose of writing was to ensure that the Victim be "held to account for her illegal behaviors."

33. On or about September 9, 2014, using the same email account, drwesq@gmail.com, WALDMAN sent another email about Jane Doe-1 to Jane Doe-1's employer's human resources department, which accused her of HIPAA violations.

Statutory Allegation

34. From in or about April 2014, up to and including May 2018, in the Southern District of New York and elsewhere, DAVID WALDMAN, the defendant, with intent to injure, harass, and intimidate another person, used the mail, interactive computer services and electronic communication services and electronic communication systems of interstate commerce, and other facilities of interstate and foreign commerce, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, to wit, WALDMAN sent hundreds of harassing and threatening email and text message communications to Jane Doe-1,

sent multiple defamatory email communications about Jane Doe-1 to Jane Doe-1's employer, and created and posted harassing and threatening website blog posts about Jane Doe-1.

(Title 18, United States Code, Sections 2261A(2)(B) and 2)

COUNT TWO
(Interstate Threats)

The Grand Jury further Charges:

35. The allegations contained in paragraphs 1 through 33 above are hereby repeated, re-alleged, and incorporated by reference as if fully set forth herein.

36. On or about April 8, 2014, in the Southern District of New York and elsewhere, DAVID WALDMAN, the defendant, willfully and knowingly, did transmit in interstate and foreign commerce communications containing threats to kidnap and injure the person of another, to wit, WALDMAN, sent one or more emails to Jane Doe-1, using the account "drwesq@gmail.com," that contained threats to kidnap and injure Jane Doe-1.

(Title 18, United States Code, Sections 875(c) and 2)

COUNT THREE
(Interstate Threats)

The Grand Jury further Charges:

37. The allegations contained in paragraphs 1 through 33 above are hereby repeated, re-alleged, and incorporated by reference as if fully set forth herein.

38. On or about July 20, 2014, in the Southern District of New York and elsewhere, DAVID WALDMAN, the defendant, willfully and knowingly, did transmit in interstate and foreign commerce communications containing threats to kidnap and injure the person of another, to wit, WALDMAN, made one or more blogspot posts on "eurotrashroyalty@blogspot.com" that contained threats to kidnap and injure Jane Doe-1.

(Title 18, United States Code, Sections 875(c) and 2)

COUNT FOUR
(Interstate Threats)

The Grand Jury further Charges:

39. The allegations contained in paragraphs 1 through 33 above are hereby repeated, re-alleged, and incorporated by reference as if fully set forth herein.

40. On or about October 7, 2017, in the Southern District of New York and elsewhere, DAVID WALDMAN, the defendant, willfully and knowingly, did transmit in interstate and foreign commerce communications containing threats to kidnap and injure the person of another, to wit, WALDMAN, sent one or more emails to Jane Doe-1, using the account "Ingrid Rand" and Anonymous Email Provider B, that contained threats to kidnap and injure Jane Doe-1.

(Title 18, United States Code, Sections 875(c) and 2)

COUNT FIVE
(Interstate Threats)

The Grand Jury further Charges:

41. The allegations contained in paragraphs 1 through 33 above are hereby repeated, re-alleged, and incorporated by reference as if fully set forth herein.

42. On or about October 8, 2017, in the Southern District of New York and elsewhere, DAVID WALDMAN, the defendant, willfully and knowingly, did transmit in interstate and foreign commerce communications containing threats to kidnap and injure the person of another, to wit, WALDMAN, sent one or more emails to Jane Doe-1, using the account "Ingrid Rand" and Anonymous Email Provider B, that contained threats to kidnap and injure Jane Doe-1.

(Title 18, United States Code, Sections 875(c) and 2)

COUNT SIX
(Interstate Threats)

The Grand Jury further Charges:

43. The allegations contained in paragraphs 1 through 33 above are hereby repeated, re-alleged, and incorporated by reference as if fully set forth herein.

44. On or about February 4, 2018, in the Southern District of New York and elsewhere, DAVID WALDMAN, the defendant, willfully and knowingly, did transmit in interstate and foreign commerce communications containing threats to kidnap and injure

the person of another, to wit, WALDMAN, sent one or more emails to Jane Doe-1, using the account "Jim Bottis," and Anonymous Email Provider C, that contained threats to kidnap and injure Jane Doe-1.

(Title 18, United States Code, Sections 875(c) and 2)

COUNT SEVEN
(Interstate Threats)

The Grand Jury further Charges:

45. The allegations contained in paragraphs 1 through 33 above are hereby repeated, re-alleged, and incorporated by reference as if fully set forth herein.

46. On or about March 7, 2018, in the Southern District of New York and elsewhere, DAVID WALDMAN, the defendant, willfully and knowingly, did transmit in interstate and foreign commerce communications containing threats to kidnap and injure the person of another, to wit, WALDMAN, sent one or more emails to Jane Doe-1, using the name "Steve Wexler," and Anonymous Email Provider C, that contained threats to kidnap and injure Jane Doe-1.

(Title 18, United States Code, Sections 875(c) and 2)

FORFEITURE ALLEGATIONS

As a result of committing the offenses alleged in Counts Two Through Seven of this Indictment, DAVID R. WALDMAN, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from, proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses that the defendants personally obtained.

Substitute Assets Provision

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


Foreperson


GEOFFREY S. BERMAN
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

DAVID WALDMAN,

Defendant.

SUPERSEDING INDICTMENT

S1 18 Cr. 424 (KBF)

(18 U.S.C. §§ 2261A(2)(B), 875(c) and
2.)

GEOFFREY S. BERMAN

United States Attorney



Foreperson

6/28/18

Filed Indictment

USMJ FOX

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